

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Rito de Tierra Amarilla

**PUBLIC NOTICE OF PROPOSED PARTIAL FINAL JUDGMENT AND DECREE ON
SURFACE WATER IRRIGATION RIGHTS IN THE RITO DE TIERRA AMARILLA
SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM**

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE THE
PUBLIC SURFACE OR UNDERGROUND WATERS IN THE RITO DE TIERRA
AMARILLA SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM:

You are hereby notified that the State of New Mexico has prepared a *Proposed Partial
Final Judgment and Decree on Surface Water Irrigation Rights in the Rito de Tierra Amarilla
Subsection of Section 7 of the Rio Chama Stream System* (“proposed Decree”) to be filed in the
United States District Court. The Rito de Tierra Amarilla Subsection includes the watershed of
the Rito de Tierra Amarilla, a tributary of the Rio Chama.

If you have water rights in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio
Chama Stream System (“Tierra Amarilla Subsection”) that may be affected by any of the
provisions of the proposed Decree, you have the right to file *inter se* objections and offer
evidence to the Court in support of those objections. This *inter se* proceeding will be the only

opportunity to file objections to the determination of surface water irrigation rights described in the proposed Decree, Addendum, and hydrographic survey maps. **All persons having water rights in the Tierra Amarilla Subsection will be bound by the outcome of the proceedings to resolve *inter se* objections.**

The Court's previous determinations of priority dates and irrigation water requirements, by Orders filed on June 7, 2011 (Doc. 10153) and January 18, 2018 (Doc. 11316) respectively, are binding on all claimants, known and unknown, diverting and using water in the Tierra Amarilla Subsection. **Persons using surface or underground water in the Tierra Amarilla Subsection cannot object to the determination of priority dates and irrigation water requirements of the surface water irrigation rights described in the proposed Decree. In addition, persons in the Tierra Amarilla Subsection may not file objections to the previous determination of their own surface water irrigation rights.**

Copies of the proposed Decree with an Addendum that summarizes the water rights adjudicated in subfile orders, and hydrographic survey maps showing the location of all tracts described in the Addendum, are available for inspection at the Office of the Rio Arriba County Clerk in Tierra Amarilla and in Española. Copies are also available for inspection at the Federal District Court in Santa Fe and in Albuquerque, at the UNM School of Law, and at the Office of the State Engineer at the following addresses:

Office of the Clerk
United States District Court
106 South Federal Place
Santa Fe, New Mexico

Office of the Clerk
United States District Court
333 Lomas Blvd. NW

Albuquerque, New Mexico

Joe M. Stell Ombudsman Program at Utton Center
UNM School of Law
1117 Stanford NE, Room 1216
Albuquerque, New Mexico

Office of the State Engineer
Water Resource Allocation Program
Bataan Memorial Building, Room 102
Santa Fe, New Mexico

The proposed Decree and Addendum are also available on the Office of the State Engineer's website (www.ose.state.nm.us).

If you do not wish to object to the determination of water rights of other individuals, as described in the Addendum, you do not need to take any further action. If objections are filed by any persons, you may participate in the proceedings to resolve those objections as described below. If no objections are filed with the Court, you will be bound by the provisions of the proposed Decree.

If you wish to object, you or your attorney must file an objection with the United States District Court for the District of New Mexico. Objections must be filed in person or by mail to be received by the Court **no later than** _____ (90 days from entry of procedural order), at the following address:

Office of the Clerk
United States District Court
333 Lomas Blvd. NW, Suite 270
Albuquerque, New Mexico

All objections must have a caption identifying the Case and Case Number (69cv07941-MV/KK) and must: 1) contain the subfile number of the water right objected to, 2) identify the

defendant associated with that water right, 3) provide a brief explanation of the reason for the objection, 4) describe your own water rights in the Tierra Amarilla Subsection, and 5) be signed by the person making the objection. A blank form (entitled “*Inter Se* Objection to Surface Water Irrigation Rights”) that may be used for this purpose will be made available to the public at the locations described above and on the Office of the State Engineer website.

If you timely file an *inter se* objection, the State will send you its proposed scheduling and pretrial order which will set forth the procedure and schedule for resolving *inter se* objections. You will have fourteen days to file a response to the State’s proposed scheduling and pretrial order.

If you have water rights in the Tierra Amarilla Subsection, you may participate in the proceedings to resolve *inter se* objections whether or not you file an *inter se* objection. If any *inter se* objections are timely filed, the State will prepare a report that summarizes all objections and make the report available for public inspection at the locations described above **no later than** _____ (120 days after entry of procedural order). Persons who elect to participate in the proceedings to resolve *inter se* objections must file a notice of intent to participate with the Court **no later than** _____ (150 days after entry of procedural order). Blank forms (entitled “Notice of Intent to Participate in *Inter Se* Proceedings”) that may be used for this purpose will be made available with the report that summarizes *inter se* objections.

If you have any questions, call or write:

Felicity Strachan
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
Telephone: (505) 819-1044

John W. Utton
Attorney for Asociación de Acéquias
Norteñas de Rio Arriba
Utton & Kery, P.A.
317 Commercial, N.E., Suite 316
Albuquerque, New Mexico 87102

Email: felicity.strachan@state.nm.us

Telephone: (505) 699-1445

Email: john@uttonkery.com


Kirtan Khalsa
KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE